

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION FILE NO. 3:17-CV-00740-FDW-DSC

DAVID A. JOHNSON and ALDA, INC.,)
)
)
Plaintiffs,)
)
)
v.)
)
)
ITALIAN SHOEMAKERS, INC.,)
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)
)
Defendant.)
)

ORDER

THIS MATTER comes before the Court on “Plaintiffs’ Motion for Relief from [Memorandum and Recommendation of] Sanctions ...” (document #25) and “Response to Defendant’s Motion for Sanctions” (document #26), and “Defendant’s ... Response in Opposition to Plaintiffs’ Motion for Relief ...” (document #27).

The Court has reviewed Plaintiffs’ Motion and Response, neither of which provide grounds for setting aside the “Memorandum and Recommendation” (document #24). Plaintiffs seek relief under Fed. R. Civ. P. 60(b)(1). Rule 60(b) is inapplicable since the Memorandum and Recommendation is not a final judgment or order. Baytree Assoc., Inc. v. Dantzler, Inc., NCWD File No. 3:07cv16, 2008 WL 2182202, *4 (W.D.N.C. 2008) (Rule 60(b) not appropriate basis for motion to reconsider an interlocutory order). For this and the other reasons stated in Defendant’s Response (document #27), Plaintiffs’ Motion is denied.

SO ORDERED.

Signed: September 17, 2018



David S. Cayer
United States Magistrate Judge
